

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Arthur M. Krieg et al.
Serial No.: 10/719,493
Confirmation No.: 3218
Filed: November 21, 2003
For: METHODS OF TREATING CANCER USING
IMMUNOSTIMULATORY OLIGONUCLEOTIDES
Examiner: Anne Gussow
Art Unit: 1643

Certificate of Electronic Filing Under 37 CFR § 1.8

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.8(a)(4).

Dated: April 23, 2010


Sara J. L. Douglas

STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of a first Office Action, but before the mailing date of a Final Action under 37 C.F.R. §1.113, a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in this application, after the filing of a Request for Continued Examination.

The fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) is enclosed.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified PTO/SB/08). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>	<u>Docket No.</u>
12/383,824	03-25-2009	Krieg et al.	*C1039.70048US27
12/429,380	04-24-2009	Weiner et al.	*C1039.70052US01
12/615,614	11-10-2009	Uhlmann et al.	*C1037.70050US02
12/718,267	03-05-2010	Davis et al.	*C1039.70025US01

*A copy of this reference is not provided as the Office has waived the requirement under 37 C.F.R. 1.98(a)(2)(iii) for submitting a copy of a cited U.S. patent application if it is scanned to the Image File Wrapper system and is available on Private PAIR.

The Applicant would like to bring to the Examiner's attention the enclosed search report from a corresponding or related International or Foreign National Application:

<u>Serial No.</u>	<u>Date of Mailing</u>	<u>Type(s) of Communication</u>	<u>Docket No.</u>
06115801.0	October 27, 2009	Extended European Search Report	C1039.70005EP01

The Applicant would like to bring to the Examiner's attention the following other information:

Office Communication mailed 04/14/2009 for Application No. 10/679,710 (C1039.70074US00)
Office Communication mailed 11/19/2009 for Application No. 10/679,710 (C1039.70074US00)

PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

US patent application 09/337,584 with claims directed to the treatment of asthma was in an Interference (No. 105,526). Copies of papers filed with respect to that Interference were submitted in the Information Disclosure Statements filed on October 30, 2007 and April 16, 2009. Copies of additional papers filed with respect to that Interference are submitted herewith.

If the Examiner would like any additional information on this subject, she is encouraged to contact Applicant's representative at the number listed below.

Additionally, US patent application 09/337,584 with claims directed to the treatment of asthma was in another Interference (No. 105,674). Copies of papers filed with respect to that Interference were submitted in the Information Disclosure Statement filed on April 16, 2009. Copies of additional papers filed with respect to that Interference are submitted herewith. If the Examiner would like any additional information on this subject, she is encouraged to contact Applicant's representative at the number listed below.

PART IV: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 (modified PTO/SB/08) be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

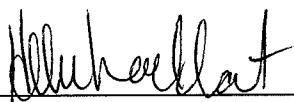
By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

By:


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